

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Don L. McKinney Jr.,

Plaintiff,

v.

Argenis Valentin-Reyes, *et al.*,

Defendants.

Case No. 2:22-cv-01644-APG-BNW

ORDER

Pro se Plaintiff Don L. McKinney Jr. initiated this lawsuit on September 28, 2022 by filing an application to proceed *in forma pauperis* and a complaint. ECF No. 2. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a) showing an inability to prepay fees or costs or give security for them. ECF No. 2. Accordingly, the Court will grant his request to proceed *in forma pauperis*. *Id.*

After reviewing Plaintiff's complaint, the Court concludes that he adequately established diversity jurisdiction for Defendants Argenis Valentin-Reyes and Eagle Express. ECF No. 2-1 at 3–4. But it is unclear to the Court whether it has subject-matter jurisdiction with regard to Defendant Nidia Bolanos. Although Plaintiff lists Ms. Bolanos's residence as Utah, he has not alleged whether she is a citizen of Utah (or some other state). Before determining whether Plaintiff may proceed with his claims, the Court must first determine if it has subject-matter jurisdiction over this matter.

Accordingly, **IT IS ORDERED** that should Plaintiff wish to proceed with Ms. Bolanos as a Defendant, he is instructed to refile the complaint exactly as before (including identifying the other Defendants), but he must allege Ms. Bolanos's state of citizenship. *See id.* at 4 ("If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant."). Plaintiff must do so by November 21, 2022.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to send Plaintiff a *pro se* form complaint.

1 **IT IS FURTHER ORDERED** that Plaintiff's application to proceed *in forma pauperis*
2 (ECF No. 2) is GRANTED.

3 **IT IS FURTHER ORDERED** that Plaintiff is permitted to maintain this action to
4 conclusion without the necessity of prepayment of any additional fees or costs or giving security
5 for them. This Order granting leave to proceed *in forma pauperis* does not extend to the issuance
6 of subpoenas at government expense.

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8 DATED: October 20, 2022.



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10 _____
BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE